

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	No. 08 C 1838
)	
v.)	
)	
HELEN CRAFT GAWLIK,)	Judge Darrah
)	
Defendant.)	

MOTION OF THE UNITED STATES FOR ENTRY OF DEFAULT JUDGMENT

The United States of America, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, pursuant to Rule 55(b)(2), seeks entry of a default judgment for damages in the sum of \$31,377.00, against defendant Helen Craft Gawlik, and in support thereof states as follows:

1. On March 31, 2008, the United States of America filed a complaint seeking damages in the amount of \$31,377.00, exclusive of interest and costs, alleging that defendant Helen Craft Gawlik failed to report the death of her mother, Noalie M. Craft, to the Office of Personnel Management and, as a consequence was paid by mistake the sum described. In addition, the United States alleged that defendant Helen Gawlik has been unjustly enriched by the sum discribed.

2. On April 1, 2008, defendant Helen Craft Gawlik was served with the summons and complaint as evidenced by Exhibit A attached.

3. Defendant Helen Gawlik was required to file her answer to the complaint within 20 days from service, or by April 20, 2008.

4. As evidenced by the court file and docket report, no answer has been filed with respect to the complaint.

5. The affidavit of Katrina D. Dawkins, Special Agent, Office of Personnel Management, is attached as Exhibit B which sets forth the United States' actual damages in the amount of \$31,377.00.

WHEREFORE, the United States requests that this court enter a default judgment against defendant Helen Craft Gawlik in the amount of \$31,377.00, as no answer has been filed with respect to the complaint and any future answer would be untimely. A draft Default Judgment Order accompanies this motion.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/ Pierre C. Talbert
PIERRE C. TALBERT
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4088
pierre.talbert@usdoj.gov

EXHIBIT A

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

UNITED STATES OF AMERICA,

CASE NUMBER: 08 CV 1838

V.

ASSIGNED JUDGE: JUDGE DARRAH

HELEN CRAFT GAWLIK,

DESIGNATED MAGISTRATE JUDGE ASHMAN
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

Helen Craft Gawlik
4229 North Bloomington Avenue, # 102
Arlington Heights, Illinois 60004

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

PIERRE TALBERT
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604

+

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Jacqueline Haller

(By) DEPUTY CLERK

March 31, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE April 1, 2008
NAME OF SERVER (PRINT) LuAnn Keane	TITLE Paralegal Specialist

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☒ Other (specify): Served via FedEx (Tracking #8499 5138 2511) to defendant's attorney: Richard Manning, Esq.; Burman + Manning, 190 S. LaSalle St., Suite 1700, Chicago, IL 60603

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on April 1, 2008

Date

LuAnn Keane

Signature of Server

219 S. Dearborn St., 5th Floor
Chicago, IL 60604

Address of Server

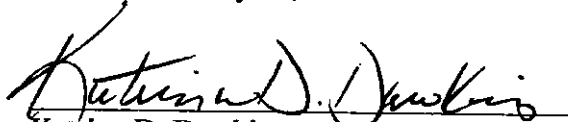
(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

DECLARATION OF KATRINA D. DAWKINS

1. I, Katrina D. Dawkins, am employed as a Special Agent for the U.S. Office of Personnel Management, Office of the Inspector General.
2. I was assigned the Helen Craft Gawlik case, which involves fraud against the Civil Service Retirement System (CSRS).
3. The complaint filed against the Defendant involves the concealment of Noalie M. Craft's death, a CSRS Annuitant, and the conversion of CSRS annuity benefits between April 1, 2002, and June 30, 2006, in which the Defendant was not legally entitled.
4. The complaint seeks actual damages and civil penalties under the theories of unjust enrichment and payment by mistake.
5. I have read the facts in the complaint and they are true and accurate.
6. Actual damages in this case are \$31,377.00, which is the total amount of the Civil Service annuity overpayment that Helen Craft Gawlik was not entitled to receive.
7. Defendant, Helen Craft Gawlik was served with a copy of the complaint and summons on March 31, 2008.
8. If called upon, I would testify to the matters contained in the complaint and this declaration.
9. Pursuant to 28 U.S.C. 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2008

A handwritten signature in black ink, appearing to read "Katrina D. Dawkins", is written over a horizontal line.

Katrina D. Dawkins
U.S. Office of Personnel Management
Office of the Inspector General